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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/644,060	08/20/2003	Brad W. Blumberg	SMTR-002/01US	4358
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COOLEY GODWARD LLP			FIGUEROA, MARISOL	
ATTN: PATENT GROUP			ART UNIT	PAPER NUMBER
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RESTON, VA 20190-5656			DATE MAILED: 03/23/2006	

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/644,060	BLUMBERG ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Marisol Figueroa	2681	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 01 March 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-17 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 20 August 2003 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 03/01/2006 has been entered.

### ***Response to Arguments***

2. Applicant's arguments filed 03/01/2006 have been fully considered but they are not persuasive.

Regarding claims 1 and 7, the Applicant basically argues that the Dowling reference (US 2003/0069029) includes receiving real estate information about a particular property from a transmitter located at the property, not directly from a database situated remotely from the property as recited in claim 1 (page 7, lines 4-6 of the remarks). However, these arguments are more specific than the claim language. The claim requires "a database located at a remote location from the electronic device" on line 5 of claim 1, not a database remotely situated from the property. Therefore, for these reasons claim 1 remains rejected in view of the Dowling reference.

Regarding claim 12, Applicant's arguments are moot in view of new grounds of rejection.

***Continuation Data***

3. The disclosure of the application 09/639,265 dated August 15, 2000, does not disclose the claimed new matter of the present application, therefore the priority date considered is from the prior application 09/774,119 dated January 1, 2001.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 1-4** are rejected under 35 U.S.C. 103(a) as being unpatentable over Want et al. (US 6,122,520) in views of Raith (US 6,625,457), and Dowling et al. (US 2003/0069029 A1).

**Regarding claim 1,** Want discloses a method of retrieving location-centric information, comprising: identifying a geographic location from a plurality of geographic locations within a base grid using an electronic device (col.2, lines 6-13; col.5, lines 6-11, a user points or clicks on a specific location on a map, it is noted that a map comprises a plurality of locations around the user's current location); querying a database located at a remote location from the electronic device based on data associated with the geographic location (col.4, lines 40-44, col.5, lines 13-16; a coordinate entry is transmitted to a predetermined node 300, i.e. database, which is remotely located from the PDA (Fig. 1), for retrieval of location based information), the geographic location being associated with a location of the electronic device (col.4, lines 5-13; the coordinate entry is associated with the location

of the computer or PDA), and the database including information associated with at least some of the plurality of the geographic locations within the base grid (col.4, lines 24-28; col.5, lines 11-16; a node in the network stores information about various locations, preferably organized as “web pages”) and receiving directly from the database information associated with the location of the electronic device (col.4, lines 20-24).

But Want fails to particularly disclose wherein the base grid is being defined by a plurality of volumes, the volumes defining the plurality of geographic locations within the base grid. However, Raith discloses a mobile terminal containing a location database that contains location specific information related to predefined positions or geographic areas in the location database, the database contains a plurality of location specific information such as emergency telephone numbers, telephone numbers for public facilities, post offices, hotels, restaurants, etc (abstract; col.4, lines 1-28). Therefore, it would have been obvious to provide a base grid with a plurality of volumes, e.g. location specific information, as suggested by Raith, in order for the user to obtain a plurality of information items related to his/her current location.

Nevertheless, the combination of Want and Raith fails to disclose wherein the information received by the electronic device is associated with a real estate transaction at the location of the electronic device. However, in a related field of endeavor, Dowling teaches a mobile unit that is able to navigate through a plurality of physical localities and receive information according to its current location through a geographical browser displaying web pages, i.e. information, of the location, furthermore a user desiring to buy a house can set the web browser to a real estate page and when the user drives into a first area automatically receives web pages relating to homes in that area (abstract). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention, to combine Want with Dowling, because a user of an electronic device may find

useful to receive information associated with a potential real estate transaction at the location of his/her electronic device as suggested by Dowling, in order to facilitate the search for houses in a location where the particular user whishes to buy a house and is currently present.

**Regarding claim 2,** the combination of Want, Raith, and Dowling disclose the method of claim 1, Want further discloses wherein identifying the geographic location includes identifying the geographic location seamlessly (col.4, lines 5-16, 20-24; col.5, lines 6-13; the electronic device comprises of a GPS receiver that identifies an specific coordinate entry of the location of the electronic device).

**Regarding claim 3,** the combination of Want, Raith, and Dowling disclose the method of claim 1, Want further discloses wherein querying a database based on data associated with the geographic location includes querying a database based on a geocode associated with the geographic location (col.4, lines 40-44; col.5, lines 13-16; the coordinate entries, i.e. geocodes, are associated with web pages where the PDA is currently situated).

**Regarding claim 4,** the combination of Want, Raith, and Dowling disclose the method of claim 1, Want further discloses wherein receiving the information associated with the identified geographic location includes receiving the information associated with the identified geographic location in real-time (col.2, lines 6-10).

6. **Claims 5 and 6** are rejected under 35 U.S.C. 103(a) as being unpatentable over Want et al. in views of Raith and Dowling et al., and further in view of Bar et al. (US 6,456,852).

**Regarding claim 5,** the combination of Want, Raith, and Dowling disclose the method of claim 1, but fails to disclose wherein receiving the information associated with the identified geographic location includes receiving information that has been dynamically updated via a network, the dynamically updated information being associated with the identified geographic location.

However, those features are well known in the art and Bar is evidence of the fact. Bar teaches a real time location information database of cellular telephone users that can be accessed via Internet by third party information subscribers and which contains the most recent location information of all transmitters within a geographic region given that the database is updated in real-time. (col.2, lines 9-17, 24-32; col.2-3, lines 67, 1-5). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to receive information that has been dynamically updated as suggested by Bar, in order to receive the most recent location based information.

**Regarding claim 6,** the combination of Want, Raith, and Dowling disclose the method of claim 1, Want further disclose wherein receiving the information associated with the identified geographic location includes: receiving information based on sensor data identified with the geographic region (col.2, lines 47-58).

But the combination of Want, Raith, and Dowling fails to disclose that the information has been dynamically updated via a network the dynamically updated information being associated with the identified geographic location.

However, those features are well known in the art and Bar is evidence of the fact. Bar teaches a real time location information database of cellular telephone users that can be accessed via Internet by third party information subscribers and which contains the most recent location information of all transmitters within a geographic region given that the database is updated in real-time. (col.2, lines 9-17, 24-32; col.2-3, lines 67, 1-5). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to receive information that has been dynamically updated as suggested by Bar, in order to receive the most recent location based information.

7. **Claims 7-9** are rejected under 35 U.S.C. 103(a) as being unpatentable over Want et al. (US 6,650,902 B1) in view of Dowling et al.

**Regarding claim 7,** Want discloses a computer executable software code stored on a computer-readable medium operable with a wireless device (Want inherently has a "computer readable medium", i.e., given that Want shows a process, the process would be implemented by a processor that requires a "computer readable medium", e.g., a RAM, to function), the code for:

providing information related to a geographic location associated with a position of an electronic device to an information system, the geographic location being located within a base grid, the information system being located at a geographic location different from the position of the electronic device (col.2, lines 6-13; col.5, lines 6-11, a PDA obtains or specifies its location within a map and sends one or more coordinates entries to predetermined node which is at a remote location from the PDA, see figure 1);

receiving a location identifier from the information system (col.5, lines 13-16; the PDA receives web pages associated with the coordinate entry); and

receiving location-centric information directly from the information system (col.4, lines 20-24).

But Want fails to disclose that the location-centric information being related to a potential real estate transaction specific to the geographic location associated with the position of the electronic device. However, Dowling teaches a mobile unit that is able to navigate through a plurality of physical localities and receive information according to its current location through a geographical browser displaying web pages, i.e. information, of the location, furthermore a user desiring to buy a house can set the web browser to a real estate page and when the user drives into a first area automatically receives web pages relating to homes in that area (abstract). Therefore, it

would have been obvious to one having ordinary skill in the art at the time of the invention, to combine Want with Dowling, because a user of an electronic device may find useful to receive information associated with a potential real estate transaction at the location of his/her electronic device as suggested by Dowling, in order to facilitate the search for houses in a location where the particular user whishes to buy a house and is currently present.

**Regarding claim 8,** the combination of Want and Dowling disclose the computer-executable software code of claim 7, Want discloses wherein the code is configured to associate geocode based on the geographic location with the location-centric information (col.4, lines 40-44; col.5, lines 13-16; the coordinate entries, i.e. geocodes, are associated with web pages where the PDA is currently situated).

**Regarding claim 9,** the combination of Want and Dowling disclose the computer-executable software code of claim 7, Want discloses wherein the code for receiving location-centric information includes code for receiving location-centric information in real time (col.2, lines 6-10).

8.     **Claims 10 and 11** are rejected under 35 U.S.C. 103(a) as being unpatentable over Want et al. in view of Dowling et al., and further in view of Bar et al.

**Regarding claim 10,** the combination of Want and Dowling disclose the computer-executable software code of claim 7, but fails to disclose wherein the location-centric information received has been dynamically updated via a network.

However, those features are well known in the art and Bar is evidence of the fact. Bar teaches a real time location information database of cellular telephone users that can be accessed via Internet by third party information subscribers and which contains the most recent location information of all transmitters within a geographic region given that the database is updated in real-time. (col.2, lines 9-17, 24-32; col.2-3, lines 67, 1-5). Therefore, it would have been obvious to one

having ordinary skill in the art at the time of the invention to receive information that has been dynamically updated as suggested by Bar, in order to receive the most recent location based information.

**Regarding claim 11,** the combination of Want and Dowling disclose the computer-executable software code of claim 7, Want discloses wherein the code for receiving location-centric information includes code for receiving location-centric sensor information (col.2, lines 47-58.), but fails to disclose wherein the sensor information is being dynamically updated via a network.

However, those features are well known in the art and Bar is evidence of the fact. Bar teaches a real time location information database of cellular telephone users that can be accessed via Internet by third party information subscribers and which contains the most recent location information of all transmitters within a geographic region given that the database is updated in real-time. (col.2, lines 9-17, 24-32; col.2-3, lines 67, 1-5). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to receive information that has been dynamically updated as suggested by Bar, in order to receive the most recent location based information.

9. **Claims 12, 13, and 17** are rejected under 35 U.S.C. 103(a) as being unpatentable over Sotiroff et al. (US 5,852,810) in view of Want et al.

**Regarding claim 12,** Sotiroff discloses a database stored on a computer-readable medium, comprising:

a plurality of location data fields, each location data field being associated with a location from a plurality of locations in a base grid; and a plurality of information data fields, at least one of the information data fields being associated with a location within the base grid (col.2, lines 18-28; col.2, line 62 - col.3, lines 1-9; col.5, lines 5-52; the database is accessed by a user through an Internet

web page in which the user can point a location in a map image and information regarding properties in the selected location is displayed, moreover the database provides plurality of information from the properties in a geographic location such as apartment or house size, cost of property, number of bedrooms, availability of apartments, etc. ), the information data fields being configured to be updated dynamically via a network (col.2, lines 38-48; col.26, lines 26-36), the database being configured to output information associated with a potential real estate transaction at one of the locations from the plurality of locations in the base grid directly to an electronic device (col.4, lines 30-52; information about properties in a geographic region is displayed in the user's computer according to his/her search criteria), and the database being located at a different location from the one location from the plurality of locations (Fig.1; col.3, lines 56-col.4, lines 1-4; the database is located in an Internet server). Although Sotiroff fails to particularly disclose that the base grid, i.e. map, is being defined in three-dimensional space, it would have been obvious to one having ordinary skill in the art to define the base grid in three dimensional space since it would be a more accurate location database.

But Sotiroff fails to particularly disclose wherein the electronic device is located at the one location from the plurality of locations.

However, Want teaches a system that allows a user of a portable electronic device to retrieve location specific information residing in an internet web page and by the user being present in the location (abstract, lines 1-13; col.2, lines 6-33; col.5, lines 6-16). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to one having ordinary skill in the art, to output information about a location when the user is present in the location as suggested by Want, in order to provide the user with information specific to his/her present location.

**Regarding claim 13,** the combination of Sotiroff and Want disclose the database of claim 12, Sotiroff discloses wherein at least some of the plurality of data fields include geocodes associated with locations within a base grid (col.4, lines 5-19; coordinates of the point selected on a map by a user).

**Regarding claim 17,** the combination of Sotiroff and Want disclose the database of claim 12, Sotiroff discloses wherein the at least one information data field includes: at least two information data fields associated with a location within the grid, the at least two information data fields being selectively accessible by the electronic device (col.2, line 62-col.3, lines 1-9; the user is presented with different field of information about properties such as apartment size, number of bedrooms, cost of leasing of the property, etc).

10. **Claims 14-15** are rejected under 35 U.S.C. 103(a) as being unpatentable over Sotiroff et al. in view of Want et al., and further in view of Juppi et al. (US 2003/0092450 A1).

**Regarding claims 14 and 15,** the combination of Sotiroff and Want disclose the database of claim 12, but fails to particularly disclose wherein at least one of the plurality of information data fields is configured to be updated with sensor data dynamically via a network, and wherein the sensor data being associated with a weather condition.

However, databases updated with sensor data and associated with weather conditions are well known in the art and Juppi is evidence of the fact. Juppi teaches a database compiled from information measured by a local transmitter such as a weather probe or sensor that can be updated over time, and which is transmitted to a mobile station (p.0033; p.0036-0038). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention, for the database to include information from a sensor, e.g. weather data, as suggested by Juppi, in order for a user to be informed on the weather conditions in his/her present location.

Art Unit: 2681

11. **Claim 16** is rejected under 35 U.S.C. 103(a) as being unpatentable over Sotiroff et al. in views of Want et al. and Juppi et al., and further in view of Obradovich (US 2006/0006990 A1).

**Regarding claim 16,** the combination of Sotiroff, Want, and Juppi disclose the database of claim 14, but fails to particularly disclose wherein the sensor data includes sensor data associated with a moveable object.

However, Obradovich teaches that a vehicle provided with a sensor may serve as a “moving sensor” for collecting weather, traffic, and road condition information using radar and infrared sensors, and the collected information is then transmitted to a central computer for distribution (p.0005; p.0095). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention, to include sensor data in a database associated with a moveable object as suggested by Obradovich, because it is well known in the art the use of “moving sensors” for recollection of real-time information of for example weather, traffic, and road conditions, to help drivers avoid areas of inclement weather, congested areas, and undesirable roads in particular geographic areas.

### *Conclusion*

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marisol Figueroa whose telephone number is (571) 272-7840. The examiner can normally be reached on Monday Thru Friday 8:30 a.m. - 5:00 p.m..

13. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester G. Kincaid can be reached on (571) 272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2681

14. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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